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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,527	02/22/2002	Dennis L. Montgomery	042503/0259666 (ETV-008-U)	3097
7590 12/29/2004 PILLSBURY WINTHROP, LLP 1600 Tysons Boulevard McLean, VA 22102			EXAMINER COUSO, JOSE L	
			ART UNIT 2621	PAPER NUMBER
DATE MAILED: 12/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,527

Applicant(s)

MONTGOMERY, DENNIS L.

Examiner

Jose L. Couso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/25/03</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4 applicant recites "at least a first thread", it is unclear what exactly applicant is referring to since the word thread does not appear in the descriptive portion of the specification. Likewise applicant recites "at least a second thread" in line 6, "the first and second threads" in line 7, "at least a third thread" in line 10-11, "at least a fourth thread" in line 12-13, and "the third and fourth threads" in line 15.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Shaw et al. (U.S. Patent No. 6,404,928).

With regard to claim 1, Shaw describes compressing a stream of digital image data using at least a first thread to obtain an initially compressed stream of digital image data and performing pattern recognition using the at least one external pattern and at least a second thread to attempt to contain matches, the first and second threads being processing using a processing system (see figure 6A, element 136 and refer for example to column 12, lines 11-30, the local switch adjunct provides for compressing by using encoder module 120 in figure 6A and editing image/video sequences by using module 182 which provides motion compensation capabilities include matching motion vectors, as discussed in column 17, line 34 through column 18, line 24, corresponds to applicant's pattern recognition since in fact they are recognizing and extracting features of an image/video sequence); transmitting the initially compressed stream of digital image data to another processing system (see figure 6A, element 118 and refer for example to column 12, lines 48-65); and further compressing the initially compressed stream of digital image data using at least a third thread to obtain a further compressed stream of digital image data and performing pattern recognition of the at least one external pattern using at least a fourth thread and an initially compressed external pattern corresponding to the external pattern to attempt to contain matches, the third and fourth threads being processed using the another processing system (see figure 6A, element 138 and refer for example to column 12, lines 31-44, the remote adjunct provides for compressing by using encoder module 120 in figure 6A and editing image/video sequences by using module 134 which provides motion compensation capabilities include matching motion vectors, as discussed in column 17, line 34 through

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column 18, line 24, corresponds to applicant's pattern recognition since in fact the are recognizing and extracting features of an image/video sequence). Note that Shaw's various different modules or elements are being read on applicant's "first thread", "second thread" "third thread" and "fourth thread".

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bhaskaran et al., Ida et al., Lee et al., Wee et al. and Dugad et al. all disclose systems similar to applicant's claimed invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

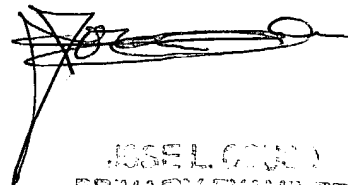
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jlc

December 13, 2004



JOSE L. COUSO
PRIMARY EXAMINER